



NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
MS State Department of Health

MISSISSIPPI
SECRETARY OF STATE

MS State Department of Health

Specific Legal Authority Authorizing the
promulgation of Rule: Mississippi Code of 1972
Section 47-71-1 through Section 41-71-19

c/o Vickey Maddox
P.O. Box 1700
Jackson, MS 39215-1700

601-364-1101
Telephone Number

Reference to Rules repealed, amended or suspended by
the Proposed Rule: *Minimum Standards of Operation for Home
Health Agencies*

Email Address Vickey.Maddox@msdh.state.ms.us

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

Section 138.02(11) was deleted and replaced with new language, as stated in Section 138.02 (13). Section 138.02 (15) was revised to allow the Physical Therapist to supervise four Physical Therapy Assistants. This amendment aligns language in the Minimum Standards of Operation for Home Health Agencies regarding the Physical Therapist's role in supervising Physical Therapy Assistants with language as stated in the Regulations Governing the Licensure of Physical Therapist.

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding (Check one box below):



An oral proceeding is scheduled on this rule on **Date: December 19, 2008 Time: 2:00 p.m.**
**Location: MS State Dept. of Health, Underwood Auditorium, 570 E Woodrow Wilson,
Jackson, MS**

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.



An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement (Check one box below):



The agency has determined that an economic impact statement is not required for this rule, or
☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: November 25, 2008

Proposed Effective Date of Rule: February 13, 2009

Vickey Maddox, Office Director
Printed Name/Title of Person Submitting Rule for Filing

Signature

**Mississippi State Department of Health
Bureau of Health Facilities, Licensure and Certifications
November 20, 2008**

**SUMMARY OF MODIFICATIONS
Minimum Standards Of Operation For Home Health Agencies**

LINES	EXPLANATION OF CHANGE
Page 43	Amendment to <u>Section 138.02 (11)(12) and (15) Duties of the Physical Therapist</u> . Paragraph #11 was replaced by Section 138.02 (13) which removed the requirement for the physical therapist to conduct 'face-to-face direct' supervision of the physical therapy assistant. In item #15, the proposed change allows the physical therapist to supervise four physical therapy assistants instead of two. These proposed changes provide conformity between the regulations, <i>Minimum Standards of Operation for Home Health Agencies</i> , State law and the <i>Regulations Governing the Licensure of Physical Therapist</i> . Prior language created a conflict between practice requirements governing the physical therapist discipline and licensure requirements for home health agencies.
Page 43	Amendment to <u>Section 138.02 (12) Duties of the Physical Therapist</u> . Numbering changed to 138.02 (11).
Pg. 43	Amendment to <u>Section 138.02 (13) Duties of the Physical Therapist</u> . Numbering changed to 138.02 (12) with language added relating to the responsibility of a supervising physical therapist.

**** Note: **Numbering altered in Section 138.02 (11-13) to allow content change, as stated, and to improve the flow of materials.**